

## **REMARKS**

This paper responds to the Office Action dated March 10, 2006. A diligent effort has been made to respond to the objections and rejections set forth therein, and reconsideration is respectfully requested.

### **1. Status of Claims**

Claims 1, 4, 5, 8, 9 and 16 are currently amended. Claims 2-3, 7, 10-15, and 18-47 are now cancelled, without prejudice. New claims 48-52 are added for consideration.

### **2. Rejections over Vasudevan (US 2004/0192282) and Kotzin (2005/0064859)**

Claim 1, as amended, is patentably distinct from Vasudevan, taken alone, or in combination with Kotzin. Specifically, neither of these references disclose or suggest the steps of updating the mobile device with the received updata data by: determining a baseline mobile device configuration; creating an updated mobile device configuration within the available memory of the mobile device memory; and maintaining the baseline mobile device configuration after creating the updated mobile device configuration within the available memory of the mobile device memory. According to this claim language, the mobile device is able to store two versions of its configuration in the same mobile device memory, a first version which is the baseline mobile device configuration that existed prior to the update, and a second version which is the updated mobile device configuration that was created with the received update data. Both versions are maintained in the mobile device memory so that, for example, the user of the mobile device can test the operation of the updated mobile device configuration to ensure that it is operating compatibly with the mobile device.

As further described in dependent claim 8, the user is then able to determine whether to accept the updated mobile device configuration and if the user accepts it, then the updated mobile device configuration becomes the new baseline configuration for the device, but if the user does not accept it, then the baseline configuration is maintained. Moreover, as further described in dependent claim 9, an update resource is stored in the mobile device memory which indicates that two versions of the mobile device configuration are stored in the same mobile device memory space. Upon determining that the update resource is stored in the mobile device memory, the method of claim 9 then prompts the user of the mobile device to select one of the baseline configuration or the updated configuration for operation on the mobile device. In this manner, if the updated configuration is defective or is incapable of operating, then the user is still able to revert to the baseline configuration and maintain use of the mobile device.

Neither Vasudevan or Kotzin discloses or suggests the steps of claims 1, 8 and 9 as described herein. In Vasudevan, new applications may be downloaded to the mobile device, as may updated versions of existing applications (Col. 3, p. 0042), but there is no teaching in Vasudevan of maintaining a previous version of an application in the mobile device memory and at the same time downloading an updated version of that application for testing prior to accepting the updated application as the baseline. Thus, Vasudevan does not disclose or suggest all of the steps of claims 1, 8 and 9.

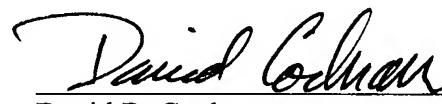
Kotzin is even further afield from the claimed subject matter than Vasudevan. Kotzin teaches the use of a backup server for storing mobile device configuration data. There is no hint in Kotzin that the mobile device may store the prior version of the mobile device configuration, as set forth in claim 1. Rather, in Kotzin, the user's baseline configuration or configuration data is periodically uploaded to a backup server. Kotzin does not deal with the problem of what

happens if the updated mobile device configuration causes the device to become unuseable. In Kotzin, the user would not be able to download the configuration data from the backup server if the device cannot operate with whatever new configuration data was loaded into its memory. Thus, Kotzin, like Vasudevan, does not disclose or suggest all of the steps of claims 1, 8 and 9.

For all of these reasons applicants maintain that claim 1, and the claims that depend from it, are patentably distinct from the cited references and thus are in condition for allowance. New claims 48-52 are means-plus-function versions of the method claims and therefore these claims are in condition for allowance for at least the same reasons as the method claims.

Respectfully submitted,

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